

Application No. 10/786,989
Amendment Dated August 19, 2005
Reply to Office Action of April 21, 2005

REMARKS

In the Office Action dated April 21, 2005, claims 1-2 were examined with the result that both claims were rejected. In response, Applicant has rewritten claims 1 and 2. In view of the above amendments and following remarks, reconsideration of this application is requested.

In the Office Action, the Examiner indicated that document EP 0042811 A1 listed in the Information Disclosure Statement dated June 4, 2004, had not been considered since a copy of the document was not supplied with the Information Disclosure Statement. This was clearly an oversight on the part of Applicant, and accordingly, a copy of EP 0042811 A1 is enclosed herewith. The Examiner will clearly see that EP 0042811 A1 is distinguishable and significantly different from Applicant's herein claimed shoe lace.

In the Office Action, claim 2 was objected to by the Examiner. Several terms and/or phrases were not acceptable to the Examiner. Accordingly, claim 2 has been amended such that the phrases "whose buckle" and "whose shape" have been amended. Applicant believes claim 2 should now be in acceptable format.

In the Office Action, claim 2 was also rejected under 35 USC §112, second paragraph, as being indefinite. The Examiner objected to the phrases "or any other material" and "shape or design is variable" as rendering the claim indefinite. In response, Applicant has rewritten claim 2 to delete the phrase "or any other material" as well as to delete the phrase "shape or design is variable." Accordingly, Applicant believes claim 2 is now definite.

In the Office Action, claims 1 and 2 were rejected under 35 USC §103(a) as being unpatentable over Unnold U.S. 1,458,088 in view of Brinson U.S. 5,029,372. In response, Applicant has the following comments.

Claim 1 as currently amended specifies that the lace is "adapted to be threaded through a first eyelet on a shoe and then threaded through a second opposite eyelet on a shoe." Thus, as particularly shown in Figure 4 of the application, the lace passes only

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between two opposed and adjacent eyelets of the shoe. It does not thread through all of the eyelets of a shoe as is shown in both Unnold and Brinson. Applicant believes there is ample basis for this amendment to claim 1, particularly in Figure 4 of the application as filed.

It is possible for a single lace to be used on a shoe in which case only a single lace will pass between a pair of opposed adjacent eyelets, as shown in Fig. 4. In practice, however, it is likely that multiple laces are used, i.e. one lace associated with each pair of eyelets.

It is also the Applicant's opinion that the combination of Brinson and Unnold is not appropriate. Unnold discloses an "elastic" lace. The purpose of Unnold's elastic lace is to enable a wearer to lace the shoe and fasten the lace prior to insertion of a user's foot into the shoe. As stated in Unnold at page 1, column 2, lines 80-85:

"It should now be manifest that, inasmuch as the shoe lace 10 is elastic, the shoe may be readily slipped on the foot, after which the shoe lace may be drawn up for application to the hooks of the shoe."

Thus, it is essential that the shoe lace be made of an elastic material to enable the upper sections of the shoe to expand as a user places his/her foot therein and to contract after the user's foot is inside the shoe in order to hold the shoe in place. As stated in Unnold at page 1, column 2, lines 95-100:

"From the foregoing, it will be manifest that, in the use of a shoe lace and fastening means therefore of the present invention, a shoe may be readily put on the foot and removed therefrom; the yield action derived affords comfort to the wearer; and the appearance will be a neat one."

Thus, it is clear that the shoe lace of Unnold must be elastic in nature. Otherwise, there would be no "yielding action" as described in the above quoted portion of Unnold.

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Brinson on the other hand, discloses a shoe lace that contains a central core of a copper wire. The copper wire is clearly not elastic. Thus, the incorporation of a copper wire as suggested by the Examiner and as disclosed in Brinson into the shoe lace of Unnold would defeat the purpose of Unnold's lace. If one were to incorporate a copper wire into Unnold, the Unnold shoe lace would clearly no longer be elastic and thus would not function by Unnold so that one could insert and remove one's foot without removing the lace. Such action requires an elastic shoe lace.

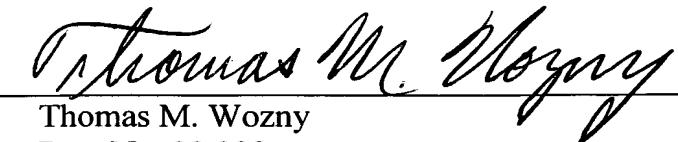
Thus, one skilled in the art would not combine a copper wire such as that disclosed in Brinson with the elastic lace disclosed in Unnold. As a result, Applicant believes the combination of Brinson and Unnold is not appropriate.

Even if one accepts the combination of Brinson and Unnold, both of the prior art documents specify laces that are threaded back and forth through all of the eyelets of a shoe. Consequently, the combination does not disclose or suggest the features of the currently amended claims, and Applicant believes claims 1 and 2 are thus both novel and not obvious.

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Thomas M. Wozny
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770